

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

924A0035

SENATE JUDICIARY COMMITTEE ENGROSSED

NO. **SB155** - 2/7/97

Introduced by: Senators Whiting, Aker, Albers, Flowers, Kloucek, Munson (David), and Valandra and Representatives Duniphan, Apa, Brown (Jarvis), Hagen, Kazmerzak, Monroe, Moore, Volesky, and Waltman

1 FOR AN ACT ENTITLED, An Act to revise the responsibilities of counties providing for  
2 prisoner care and the liability of prisoners for reimbursing the county for costs incurred.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-21 be amended to read as follows:

5 24-11-21. The governing body or board of county commissioners ~~is responsible for securing~~  
6 ~~bedclothing, laundry, board, nursing when required, and~~ shall provide all necessities for the  
7 comfort and welfare of the prisoners including room and board, bedclothing, and laundry and  
8 medical, dental, optometric, nursing, and psychiatric services.

9 If a prisoner or any person under arrest receives medical treatment pursuant to this section  
10 for which the governing board or board of county commissioners is liable, the receipt of such  
11 medical treatment shall, as to the person receiving such treatment, operate as an assignment by  
12 operation of law of any rights to medical support, insurance proceeds, or both, that the prisoner  
13 or person under arrest may have for ~~himself~~ such person. Any rights or amounts so assigned shall  
14 be applied against the cost of medical care paid under this section. Any payments made under

1 this section for medical care not recovered shall constitute a lien pursuant to § 28-14-1.

2 Section 2. That § 24-11-45 be amended to read as follows:

3 24-11-45. A prisoner confined to any jail ~~while serving a sentence~~ who is ultimately  
4 convicted of the crime for which confined is liable for the cost of the prisoner's pretrial and  
5 postconviction confinement including room and board charges; and medical, dental, optometric,  
6 and psychiatric services charges; ~~vocational education training; and chemical dependency~~  
7 ~~treatment charges. If, after considering the prisoner's net income, net worth, number of~~  
8 ~~dependents, and any existing obligations, the~~ The judge who sentenced the prisoner to jail  
9 ~~determines that the prisoner is unable to pay, the judge may~~ after considering the prisoner's net  
10 income, net worth, number of dependents, and existing obligations waive all or part of the  
11 payment for the costs of the inmate's confinement. Any confinement costs not recovered or  
12 waived constitutes a lien pursuant to § 28-14-1.

1    **BILL HISTORY**

2    1/28/97 First read in Senate and referred to Judiciary. S.J. 192

3    2/5/97 Scheduled for Committee hearing on this date.

4    2/5/97 Judiciary Do Pass Amended, AYES 7, NAYS 0. S.J. 339